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the successful one of the parties required to interplead. A petition alleging these facts is not open to general demurrer, although petitioner prays for the affirmative relief of a judgment decreeing the title to the land purchased as aforesaid to be in him, upon the payment of the balance of the unpaid purchase money. (Additional Syllabus by Editorial Staff.) A bill in the nature of a "bill of interpleader" is one where complainant seeks relief of an equitable nature concerning the fund or subject-matter in the suit, in addition to the interpleader of conflicting claimants, and complainant is not required, as in strict interpleader, to be an indifferent stakeholder without interest in the subject-matter; but the facts on which he relies must entitle him to equitable rather than legal relief. He is not permitted under the guise of a bill in equity, to litigate a purely legal claim or interest in the subject-matter. Quoting 5 Powny's Ed. Jur., § 60.

Right of Stockholder to Enjoin Action under Illegal Amendment of Charter.—*Woodruff v. Columbus Inv. Co.*, 68 S. E. 1103. Supreme Court of Georgia. Sept. 30, 1910. Syllabus by the Court. If an unauthorized and illegal amendment to its charter has been accepted by a corporation and is about to be acted upon, a stockholder, who has not assented thereto or become estopped from complaining, may bring an equitable proceeding to enjoin or set aside any action by the corporation under the amendment. 1 Cook on Stock and Stockholders (3d Ed.) pp. 638-641, §§ 502, 503. But where an amendment to a charter of a corporation was obtained and accepted, reducing the capital stock, and all of the stockholders (of whom there were apparently many), save two, surrendered their shares upon the terms provided in the amendment, and received amounts of money and the lesser amounts of stock in accordance therewith, and where the corporation proceeded to do business upon the new basis for about a year, with the knowledge of one of the nonconsenting stockholders, and a dividend of a certain per cent. was then declared, he could not recognize such a declaration and sue and recover the dividend, basing the amount of his recovery upon the amount of his stock unreduced and the per cent. declared, while others were paid on the basis of the reduced stock; no proceeding having been instituted to set aside the illegal action complained of by him.

Joint Liability of Master and Servant.—It was held in a recent well-considered Georgia case, decided September 22, 1910, that while a railroad company and its engineer may be jointly sued for negligent homicide where the negligence of the company results solely from the act of the engineer, yet the company can only be held liable upon the principle of *respondeat superior*. In other words the company's liability can only flow through the employee. And therefore if the